

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1230

Introduced by Senators ~~Runner and Wright~~ and *Runner*

February 23, 2012

An act to add Section 144.9 to the Labor Code, relating to occupational safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, as amended, ~~Runner~~ *Wright*. Occupational Safety and Health Standards Board: emissions control.

(1) Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations and requires the standards board to adopt occupational safety and health standards. Certain violations of these standards are crimes.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found to be necessary, cost effective, and technologically feasible.

This bill would require the Occupational Safety and Health Standards Board to adopt standards designed to ensure the safety of the operator ~~and public~~ in the installation, use, and operation of a verified diesel emission control strategy, as defined, required by a regulation adopted by the State Air Resources Board to be installed on an on-road heavy-duty diesel-fueled motor vehicle. ~~The bill would require the certification of each strategy and would prohibit the installation of the strategy before certification. A person or entity required to comply with the State Air Resources Board regulation would be deemed to be in compliance with the State Air Resources Board regulation if an~~

~~inadequate number of verified diesel emission control strategies have been certified before the compliance date of the State Air Resources Board regulatory requirement. The bill would prohibit the State Air Resources Board from requiring a fleet owner, as defined, to install a verified diesel emission control strategy until 6 months after the adoption of the standards.~~ Because certain violations of the safety standard adopted by the Occupational Safety and Health Standards Board would be a crime pursuant to provisions of existing law, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Article 4.8 (commencing with Section 2449) of Chapter 9
4 of Division 3 of Title 13 of the California Code of Regulations
5 implements a regulation governing in-use off-road diesel equipment
6 in a phased approach designed to reduce the financial impact on
7 the owners of off-road diesel equipment by providing them ample
8 time to prepare for implementation of the regulation. The regulation
9 will significantly reduce the public's exposure to particulate matter
10 (PM) and oxides of nitrogen (NO_x) from in-use off-road diesel
11 vehicles once it is fully implemented.

12 (b) The Occupational Safety and Health Standards Board has
13 promulgated standards to ensure the safe installation and safe
14 operation of vehicle exhaust retrofits for in-use off-road diesel
15 equipment.

16 (d)
17 (c) A similar regulation contained in Section 2025 of Title 13
18 of the California Code of Regulations seeks to reduce the public's
19 exposure to PM and NO_x from in-use on-road diesel vehicles. Its
20 implementation is also phased in over time *to 2020* to provide the
21 owners of these vehicles ample time to prepare. The regulation

1 relies on the installation of verified diesel emission control systems
2 *on almost one million vehicles in California.*

3 (e)

4 (d) Chapter 14 (commencing with Section 2700) of Division 3
5 of Title 13 of the California Code of Regulations requires any
6 system designed to reduce the emissions of PM and NO_x from
7 diesel engines to be verified by the State Air Resources Board.
8 The verification process extensively tests the emissions and
9 durability of the system.

10 (f)

11 (e) Because the verification process is primarily focused on the
12 amount and type of exhaust emissions but not specifically designed
13 to ensure the safety of the ~~public and~~ operator, there is a need for
14 the Occupational Safety and Health Standards Board to develop
15 standards to ensure the safety of ~~the public and~~ the individual
16 operating the vehicle.

17 ~~(g) The unique phased-in implementation period of the on-road~~
18 ~~rule grants the Occupational Safety and Health Standards Board~~
19 ~~ample time to develop standards governing the safe use of verified~~
20 ~~diesel emission control systems.~~

21 (f) *The State Air Resources Board has recognized the presence*
22 *of a safety issue related to some emission equipment currently*
23 *being installed. It issued a letter on September 17, 2011,*
24 *suspending the installation of a certain type of filter because “they*
25 *may experience a catastrophic failure mode that was previously*
26 *unknown, creating concerns about the safe deployment of these*
27 *systems.”*

28 SEC. 2. Section 144.9 is added to the Labor Code, to read:

29 144.9. (a) By January 1, 2014, the board shall adopt standards
30 designed to ensure the safety of the operator ~~and public~~ in the
31 installation, use, and operation of a verified diesel emission control
32 strategy on on-road heavy-duty diesel-fueled motor vehicles. The
33 standards shall, at a minimum, ensure all of the following:

34 (1) The strategy shall not reduce the capacity, structural
35 integrity, or safe performance of a vehicle.

36 (2) The strategy shall not reduce an operator’s ability to enter
37 or exit a vehicle safely.

38 (3) The strategy shall not increase the risk of a vehicle fire.

(4) The strategy shall not, through routine maintenance, emergency maintenance, or normal operations, burn or harm the operator.

(5) To the extent feasible, the strategy shall not cause the vehicle to stop operating while traveling on the highway or roadway.

~~(b) To implement subdivision (a), the board may require a manufacturer of a verified diesel emission control strategy to provide detailed test results.~~

~~(c) Upon the adoption of standards as required by subdivision (a), the board shall develop a certification process for every verified diesel emission control strategy. The _____ shall administer the certification program. The _____ may assess a fee to offset the agency's costs in administering the program.~~

~~(d) A person or entity required by a regulation adopted by the State Air Resources Board to install a verified diesel emission control strategy on an on-road heavy-duty diesel-fueled motor vehicle shall not install that strategy until it is certified pursuant to subdivision (c).~~

~~(e) A person or entity described in subdivision (d) shall be deemed to be in compliance with the State Air Resources Board regulation if an inadequate number of verified diesel emission control strategies have been certified before the compliance date of the State Air Resources Board regulatory requirement.~~

~~(f) As used in this section, the following terms have the following meanings:~~

~~(1) "Inadequate" means _____.~~

~~(6) To the extent feasible, the strategy shall not affect the normal function and operation of the vehicle.~~

~~(b) The State Air Resources Board shall not require a fleet owner to install a verified diesel emission control strategy until six months after the adoption of standards pursuant to subdivision (a).~~

~~(c) Except as specifically provided in subdivision (b), this section does not delay the compliance date or change any other requirement of a regulation adopted by the State Air Resources Board to install a verified diesel emission control strategy on an on-road heavy-duty diesel-fueled motor vehicle.~~

~~(d) As used in this section, the following terms have the following meanings:~~

1 (1) *“Fleet owner” means a person or entity required by a*
2 *regulation adopted by the State Air Resources Board to install a*
3 *verified diesel emission control strategy on an on-road heavy-duty*
4 *diesel-fueled motor vehicle.*

5 (2) *“Verified diesel emission control strategy” means an*
6 *emissions control strategy designed primarily for the reduction of*
7 *diesel particulate matter emissions, and verified pursuant to State*
8 *Air Resources Board verification procedures, that is required to*
9 *comply with a regulation adopted by the State Air Resources*
10 *Board.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.